unpatentable over Softspikes (A Unique Holiday Offer article) in view of Dassler (U.S. 4,375,728) under 35 U.S.C. §103(a).

All claims remaining in the application are directed to golf shoe cleats in which there is a body member with a shoe mounting member projecting from one face of the body member for securing the cleats in the receptacle in a golf shoe upon rotation of the cleat and its shoe mounting member in the receptacle. The claims require a plurality of shaped traction teeth projecting outwardly around the perimeter of the outer phase of the body member and each traction tooth having an outer traction surface with an outward angulation relative to the central axis of the cleat "to provide lateral stability and enhanced traction through the plane of a golf swing" (Claim 1). Claims 11 and 12 which were directed to a sport shoe cleat generally have been cancelled so that now all claims in this application are directed to golf shoe cleats and they include the language that each traction tooth outer surface has an outward angulation relative to the axis of the cleat to provide "lateral stability and enhanced traction through the plane of a golf swing."

The rejections of all pending claims is predicated on the correctness of modifying the Softspikes cleat with the teaching of Dassler. It is clear that Softspikes shows a cleat with a threaded stud (e.g. a mounting member) and a plurality of peripheral teeth and that Softspikes' teeth <u>do not</u> angle outwardly.

Although the Examiner has characterized Dassler's arms as "teeth"*, they are in reality multiple spring arms.

The golf swing is a rotation around an axis (in this case, a person's spine) while the feet are in a stationary and planted position. Applicant is only secondarily providing traction during walking. Dassler's running shoe sole is specifically providing traction while walking or running on hard surfaces. If you were to take Dassler's arm devices and put them on a Softspikes cleat, during the rotation of a person's body through a golf swing, Dassler's arms (2, 3, 4) would twist, bend or deflect causing the golfer to slip out a stationary or planted foot position. Such deflection "give" for shock absorption, minute that it may be, may interfere with the golfer's swing throughout the plane of the golf swing.

Moreover, Dassler is directed to a sole for a running shoe made of rubber or other material having elastic properties in which there are provided a sole base having a plurality of resiliently flexible cleats with the cleats having arms projecting outwardly from the surface and at least some of the cleats having arms 2, 3, 4 which are connected to each other and to the outer surface of the base by an intermediate portion 14 of the cleat. (The Dassler specification states that intermediate portion 14 can be eliminated.) The arms of each cleat extend away from the sole base

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*In the first response, applicant's undersigned counsel repeated this characterization.

in directions diverging from the intermediate portions relative to each other forming acute angles with respect to the base sole. Note that in the embodiment of Figure 4, the arms 2, 3 are hollow and are interconnected by an internal surface system of passages 12 so that the arms can be supplied with pressure medium and the elasticity of the arm can be regulated in small steps by adjusting internal pressure of a pressure medium.

As described in column 3, lines 10 - 21 of Dassler:

> In the embodiment of Fig. 4 the free ends of arms and 3 are bent outward. To obtain a considerable reduction in the weight of the shoe provided with such a sole, arms 2 and 3 may be hollow and filled with a pressure medium. A plug 11 serves as closure. In another advantageous embodiment at least some of the hollow arms are interconnected by an internal or surface system of passages 12, and said arms can be supplied with pressure medium through a valvelike element 13. In this embodiment, depending on the base surface conditions, the arm elasticity can be regulated in small steps by adjusting the internal pressure of the pressure medium.

Thus, each of the arms is like a bent spring to provide sufficient shock-absorbing effect.

The reference to "relatively hard and therefore wear resistant" in column 1, line 43, is noted. However, this is questioned because it is believed and respectfully submitted that with these configurations of the arms, the cleats themselves cannot be molded unless the material of which it is molded is made of rubber or other material having elastic properties. Otherwise, it could not be extracted from the mold. Moreover, Claim 1 of Dassler expressly states that the sole is for running shoes and made of rubber or other material having elastic properties.

The outer surfaces of applicant's traction teeth angle outwardly. Applicant's device provides traction and lateral stability during the rotation of a golfer's arms, torso and hips around his spine (axis of the swing) during a golf swing. The angle of applicant's teeth is predetermined.

Dassler suggests no replacement capacity after his bent-spring device wears out.

Thus, it is respectfully submitted that Dassler does not teach or suggest the combination proposed by the Examiner, and, obviously, the Softspikes advertisements does not provide any teaching or suggestion to make the proposed combination.

In applicant's last response, a five-page charting of large body of the prior art of spikes or cleats was included. In each one of those disclosures, the teeth or spikes essentially pointed downwardly vertically and did not angle outwardly. So there is no suggestion in the art to make the combination of Softspikes and Dassler. The only outwardly inclined teeth for a golf shoe cleat is shown in applicant's disclosure.

With further reference to Dassler '728, reference is made to the shock-absorber aspects. Dassler states:

> The multiple-arm studs or cleats are extensible in the manner of a shock absorber also and results in excellent lateral stability, which is particularly advantageous when running along curves in sports competition. Additionally, due to the shock-absorberlike extensibility of the multiple-arm studs or cleats, the angle between said arms and the angle between the arms and the sole varies on load application and release, so that dirt particles cannot be retained in the wedge-shaped recesses formed between the arms. Therefore, the

sole of the invention provides for a definite self-cleaning effect. (Column 1, lines 54-64.)

The purpose of the bending of the arms or the angulation of the arms of Dassler's cleats is to achieve this shock-absorbing quality. If the angles were close to 90°, they would be compressing rather than bending the arms. This can be visualized with respect to any one of Figures 1 - 8 of Dassler, but Figure 7 is reproduced here for exemplary purposes. In Figure 7, reproduced to the left hereof, we added an arrow "A" indicating the force applied tending to bend the arm 2 and achieve the shock-absorbing effect sought by Dassler.

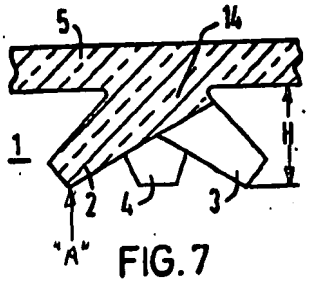

FIG.7

Thus, applicant respectfully submits that when Dassler is considered for all that it teaches, it is seen that the combination of references proposed by the Examiner is not supported by the references because none of them teach or suggest the combination proposed by the Examiner. Moreover, in reference to that body of art depicted in applicant's chart showing various forms of cleats disclosed in the prior art having downwardly projecting teeth or spikes, all of these references disclose or teach the verticality of the teeth or spikes relative to the mounting structure. Accordingly, applicant again requests reconsideration of all pending claims, and it is believed that on further reconsideration the claims will be deemed allowable.

Referring to Claims 2, 5 and 9, they are patentable for the reasons given above. Moreover, these require an antidebris ring formed on the edge of the inner planar (Claim 5) surface which tends to prevent the edge of the cleat from separating from the sole of the golf shoe, thereby precluding the entry of debris. At the same time, when the cleat is "snugged" down, the pressure causes the ring to more closely hug the shoe sole and preclude the entry of debris. The Examiner contends the function to be inherent in Kelly or Jordan. Kelly's rim 24 appears to butt against annular anchoring flange 4. Jordan's track shoe cleat rim 7 provides a clamping surface to provide frictional resistance at a distance from the screw axis to provide a relatively large moment for resistance to external turning (e.g. the same purpose as applicant's thread fillets). Jordan only speaks of resisting dirt or other foreign matter accumulation between the spikes.

Referring to Claims 6, 10 and 16, these claims recite the pseudo-pyramid-shape of each tooth. Neither the Kataoka et al reference nor Johnson relate to golf shoe cleats -- both relate to entire sole configurations of which only selected teeth merely approach a pseudo-pyramid shape. No prior art golf shoe cleat has

applicant's teeth configuration resulting in an outward tooth angulation. Further and favorable reconsideration is requested.

Respectfully submitted,

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In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.